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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
2008 TOYOTA TUNDRA, CALIFORNIA )  
LICENSE NO. 8S22586 (VIN )  
5TFDV58128X070714); RUGER .45 )  
CALIBER SEMI-AUTOMATIC )  
HANDGUN (SERIAL NO. 664-66556); )  
AND ALL .45 CALIBER AMMUNITION, )  
 )  
Defendant. )

YESENIA RODRIGUEZ, )  
 )  
Claimant. )

No. 11-CV-4009 CW

JOINT CASE MANAGEMENT  
STATEMENT; REQUEST TO  
TAKE THE CASE MANAGEMENT  
CONFERENCE OFF CALENDAR;  
AND ~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation, the Court stayed the instant case by order entered November 22, 2011. *See* Order Staying the Instant Action, entered November 22, 2011; Stipulation to Stay the Instant Action Pending Resolution of the State Criminal Case, filed November 18, 2011. The reason for the stay was that claimant is a defendant in a related state case. *People of the State*

1 of California v. Jose Miguel Flores-Garcia, Yesenia Pena-Rodriguez, et al., Court No. SCR-509334,  
 2 DA No. DAR-633852, filed March 16, 2011 (Superior Court, Sonoma County). Based on reports  
 3 filed with the Court, this case continues to be stayed because of the ongoing state criminal case.

4 According to counsel for claimant and confirmed by the case agent in this case, SA Josh  
 5 Craven, the preliminary hearing for defendant Pena-Rodriguez in the state case was completed on  
 6 October 11, 2012 and defendant will be held to answer on charges of possession of marijuana for  
 7 sale, possession of controlled substance for sale and conspiracy. The information is scheduled to be  
 8 filed on October 23, 2012. Counsel for claimant provided a copy of the criminal docket sheet in the  
 9 state case (attached). For the reasons previously stated, the parties agree that the stay entered by the  
 10 Court is appropriate and should be continued in effect pursuant to 18 U.S.C. §981(g)(1) and (2).

11  
 12 IT IS SO STIPULATED:

MELINDA HAAG  
 United States Attorney

13 Dated: October 18, 2012

14 /s/  
 PATRICIA J. KENNEY  
 Assistant United States Attorney  
 Attorneys for the United States

15  
 16 LAW OFFICES OF MICHAEL J. SHAMBROOK

17 Dated: October 18, 2012

18 /s/<sup>1</sup>  
 MICHAEL J. SHAMBROOK  
 Attorney for Claimant Yesenia Rodriguez

19  
 20 IT IS SO ORDERED ON THIS 22nd DAY OF OCTOBER, 2012, THAT THE CASE  
 21 MANAGEMENT CONFERENCE SCHEDULED FOR OCTOBER 24, 2012, BE, AND HEREBY  
 22 IS, TAKEN OFF CALENDAR. A FURTHER CASE MANAGEMENT CONFERENCE IS  
 23 SCHEDULED FOR DECEMBER 19, 2012.

24   
 25 HONORABLE CLAUDIA WILKEN  
 United States District Judge

26  
 27 <sup>1</sup> Counsel for claimant, Michael Shambrook is on travel, but has authorized placing the  
 28 “/s/” on the signature line to indicate his joint agreement.